

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

7/13/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00339DAE
CASE NAME: USA v. Keith H. Malaqui
ATTYS FOR PLA: Loretta Sheehan
ATTYS FOR DEFT: Todd W. Eddins
USPO: John Davis

JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 7/13/2006

TIME: 9:45am-10:00am

COURT ACTION: EP: Sentencing to Count 2 of the First Superseding Indictment as to Defendant Keith H. Malaqui.

Defendant Keith H. Malaqui present in custody.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Keith H. Malaqui.

SENTENCE:

Imprisonment: 15 MONTHS

Supervised Release: 3 YEARS

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.

5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervision.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
9. That the defendant shall reside at the residence of his brother on the island of Maui, Hawaii, or at any residence deemed appropriate by the United States Probation Office.
10. That, during a period of six months immediately following the defendant's release from incarceration, the defendant shall work eight hours per day during normal working hours, Monday through Friday, working to improve his father's home. Also during this six month period, the defendant shall actively seek full time employment. After the expiration of the six-month period immediately following the defendant's release from incarceration, the defendant shall gain and maintain full-time employment.

Special Assessment: \$100.00.

JUDICIAL RECOMMENDATIONS: FDC Honolulu. Drug treatment.

Defendant advised of his right to appeal.

Government's Oral Motion to dismiss all remaining counts as to this defendant only-
GRANTED.

Defendant remanded to the custody of U.S. Marshals.

Submitted by: Theresa Lam, Courtroom Manager

